

**Before The  
Postal Regulatory Commission  
Washington, DC 20268**

**Postal Regulatory Commission  
Submitted 9/4/2013 7:12:20 AM  
Filing ID: 87782  
Accepted 9/4/2013**

**In the Matter of: Fernandina Beach Downtown Post Office, FL 32035**

**Postal Regulatory Commission Docket No. A2013-7**

**Postal Service Docket No. 1363326 - 32034**

**Petitioner's Initial Brief in Support of Petition**

Petitioner:

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**Petitioner's Initial Brief in Support of Petition:**

The Petitioner respectfully requests that the Postal Regulatory Commission affirm the Petitioners Appeal and Stop the Fernandina Beach Downtown Post Office closing based on the following grounds:

1. Customers of the Fernandina Beach Downtown Post Office have not received the official Final Determination notice as required. Petitioner provides as evidence to this fact two separate Final Determination notices, signed on two separate dates, and with different details listed within the two separate documents. One Final Determination document was provided by the Postal Service in the Administrative Record filed with the Postal Regulatory Commission (Commission) on August 9, 2013 (Item Nbr: 35). This document was signed on June 17, 2013. The other document was posted in the Fernandina Beach Downtown Post Office on July 9, 2013. This document was signed on July 3, 2013. A scanned copy of the posted document will be provided to support this fact. In addition to the different signature dates, the content of Section IV (Economic Savings) is materially different. Therefore, the Petitioner concludes that the Customers of the Post Office have not been provided the official Final Determination as required by law.
2. In the Administrative Record filed with the Commission by the Postal Service on August 1, 2013, there is a false and misleading statement provided in Item Nbr: 29, Page Nbr: 1, "Log of Post Office Discontinuance Actions", that has a material bearing on the decision to close the Post Office. This log shows an entry on February 9, 2012 that states that part of the "Reason" for the closure is due to "The current community that this office resides in is going to incorporate with a neighboring city and the Postal Service is determining the needs of the new community structure". This is not true. Fernandina Beach is the only incorporated city on Amelia Island. There is no "neighboring city" close enough to warrant even the thought of consolidation. The Petitioner feels that such a strong inaccurate statement of the "Reason" for the closure had a material effect on the final decision to close the Post Office. This misstatement of the facts is also repeated in the "Final Determination to Close", Item Nbr: 35, Page Nbr: 1, Section 1.
3. In the Administrative Record filed with the Commission by the Postal Service on August 1, 2013, there is a statement provided in Item Nbr: 29, Page Nbr: 1, "Log of Post Office Discontinuance Actions", that lists the Customers Affected as 625 Post Office Box holders. The last entry on this Log is dated May 7, 2013. Petitioner

requests the Commission to require the Postal Service to produce accounting records from May 2013 that prove that at least 625 Post Office Boxes were available to be rented at the Sadler Road Post Office by the 625 Customers who were going to lose their Post Office Box based on the Final Determination to close. If a total of 625 Post Office Boxes were not available for rental at the Sadler Road Post Office in May 2013, then the Postal Service cannot claim a lack of impact on the Customers of the Downtown Post Office, and the closure of the Downtown Post Office cannot be classified as a “rearrangement” of retail facilities as the Postal Service has stated. None of the Retail Facilities located in the local community noted by the Postal Service offer Post Office Boxes. That service is only provided at the Sadler Road Post Office and the Downtown Post Office, and therefore closing the Downtown Post Office is considered a discontinuance and closure of a “Post Office”.

4. In the supplemental Administrative Record filed with the Commission by the Postal Service on August 9, 2013, there is a statement provided in Item Nbr: 35, “Final Determination to Close”, Page Nbr: 1, Section 1, that “The Post Office facility had severe building deficiencies that included: The facility has aged significantly over the years and is now in need of a complete transformation”. Further comment about the physical plant is included in Page Nbr: 7, Section V. Other Factors, which states that “The building has (been) deteriorating over the past several years ...”. Since the Postal Service has been the only owner and tenant of this building, it is the Postal Service which has allowed the building to fall into disrepair. To now use the current neglected state of the building, which was caused by the Postal Services’ lack of maintenance, as a reason for closing the Post Office seems disingenuous at best. The building has been mismanaged for many years, as evidenced not only by its physical condition, but also the fact that 2 full stories of the building have not been used for any useful purpose in almost a decade. This has cost the Postal Service potential revenue from unrealized office space rental.
5. In the supplemental Administrative Record filed with the Commission by the Postal Service on August 9, 2013, there is a statement provided in Item Nbr: 35, “Final Determination to Close”, Page Nbr: 1, Section 1, that “The Postal Service is issuing the final determination to close the Fernandina Beach Downtown, FL Station and provide delivery and retail services by contract postal unit under the administrative responsibility of the Fernandina Beach Post Office, located three miles away.” This is also the theme of the title of the Final Determination which includes “... and continue to provide services by contract postal unit”. This creates an unresolved problem. The “contract postal unit” retail facility does not provide Post Office Boxes, and the Post Office closing will terminate services to the current box holders. This constitutes an action which is “without observance of procedure required by law” (39 U.S.C., section 404(d)(5)(B)) as it violates 39 U.S.C., section 101(b), which requires “that the Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining”. The post office on Centre Street in the small town of Fernandina Beach is a vital component of the economy. The closing of this post office cannot “provide a maximum degree of effective and regular postal services” to this small town when the offering of Post Office Boxes in the downtown area is being terminated.
6. The Final Determination is “arbitrary, capricious, an abuse of discretion ...” (39 U.S.C., section 404(d)(5)(A)). The Postal Service never considered the option of consolidating the post office rather than closing. Petitioner attended the public meeting held in November 2011 at the First Baptist Church in Fernandina Beach. This meeting was held prior to the “Notice of Taking Proposal and Comments Under Internal Consideration” which was posted on January 21, 2012. In this meeting Postal Service representatives only proposed the closure of the post office, not the possibility of a consolidation. When the representatives were asked about relocating the post office boxes, they stated that when an office was closed the boxes could not be moved. They did not entertain the option of a consolidation, as it appeared the decision to close had already been made. This was arbitrary, capricious, and an abuse of discretion in not considering the option of consolidation, which would result in a lesser impact on the post office box patrons. Many families have held these boxes for multiple generations, and having to find an alternative source of receiving mail, and sending notifications of an address change, are not small matters, especially for some of the more elderly patrons.

The Petitioner respectfully requests that the Postal Regulatory Commission affirm the Petitioners Appeal and Stop the closing of the Fernandina Beach Downtown Post Office.

Thank you for considering this request.

Respectfully,

David A. Granger

Patron of Fernandina Beach Downtown Post Office